



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,614	03/09/2000	Michael L. Asmussen	5198	2538

38598 7590 06/18/2004

ANDREWS KURTH L.L.P.  
1701 PENNSYLVANIA AVENUE, N.W. SUITE 300  
WASHINGTON, DC 20006

EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/521,614

Applicant(s)

ASMUSSEN, MICHAEL L.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8, 9, 12-14, 16, 19-26, 29, 30, 33-35, 37, 40-47, 50, 51, 54-56, 58, 61-65, 67-70, 72-75, and 75-78 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,553,178-B2 to Abecassis.

Regarding claims 1-3, 5, 22-24, 26, 43-45, 47, 64, 69, 74, Abecassis discloses a video on demand system in figures 13-14b which uses a PCTV like device (figure 5, column 18, lines 33-51), in which a user may receive an incoming call or page, a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (column 51, lines 16-column 54, line 53).

Regarding claims 4, 8, 9, 25, 29, 30, 46, 50, 51, Abecassis discloses that the incoming communication may be a paging message (column 51, lines 22-24).

Art Unit: 2611

Regarding claims 12, 33, 54, Abecassis discloses that a user may issue a play command and the video resumes from the same point (column 53, lines 12-49).

Regarding claims 13, 14, 16, 34, 35, 37, 55, 56, 58, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31)

Regarding claims 19-21, 40-42, 61-63, 70, 72, Abecassis discloses that a communications from a caller may include a transmitted graphic, or may utilize a locally stored graphic, which is then displayed on the user's display (column 55-column 54, line 3).

Regarding claims 65, 67, 73, 75, 77 Abecassis discloses that an icon 1411 displays the type of incoming message (Figure 14a, column 53, lines 59-64).

Regarding claim 68, 78 Abecassis discloses that if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (figure 13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2611

Claims 6, 7, 15, 17, 18, 27, 28, 36, 38, 39, 48, 49, 57, 59, 60, 66, 71, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis.

Regarding claims 6, 7, 27, 28, 48, and 49, Abecassis discloses that the incoming communication may be in the form of paging, messaging or any digital transmission (column 51, lines 22-24).

Abecassis does not disclose detecting an incoming email message.

The examiner takes official notice that detecting an incoming email message and displaying an indication is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to detect an email message and display an indication to a user in order to allow a user to respond to an urgent communication.

Regarding claims 15, 17, 36, 38, 57, and 59, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31).

Abecassis does not disclose the use of a slow motion or frame back signal.

The examiner takes official notice that transmitting a slow motion or previous frame signal and then playing slow motion video or the previously displayed frame is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to utilize a slow motion or previous frame signal to enable a user to watch a video and see much more detail.

Art Unit: 2611

Regarding claims 18, 39, and 60, Abecassis discloses the use of a skip function (column 39, lines 53-58).

Abecassis does not disclose utilizing a jump signal to display a program from the current point of transmission.

The examiner takes official notice that the use of a resume to live function is well known in the art (for example Tivo and ReplayTV's live button <http://egotron.com/ptv/ptvlive.htm>).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to utilize a jump signal to return to live display, so that a user could skip unwanted portions of the video without having to watch it via a fast forward or segment jump command.

Regarding claims 66, 71 and 76, Abecassis shows in Figure 14a, a menu, which indicates a communications event.

Abecassis does not disclose whether the menus are overlaid over the image or if the image is shrunk to display the menus.

The examiner takes official notice that overlaying menus over displayed video is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to overlay a menu over the displayed video to direct a user's attention to the incoming message .

Claims 10-11, 31, 32, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,349,410 to Lortz.

Regarding claims 10-11, 31, 32, 52, and 53, Abecassis discloses a video on demand system in figures 13-14b which uses a PCTV like device (figure 5, column 18, lines 33-51), in which a user may receive an incoming call or page, a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video (column 51, lines 16-column 54, line 53).

Abecassis does not disclose detecting an incoming webpage and displaying it on a display device.

Lortz discloses a system which detects incoming web content, displays a notification to a user, a user then selects the web page for display, and the currently watched program is paused and recorded onto a hard drive (Figure 2, column 3, line 29-column 4, line 28).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis, to detect and display the incoming web page in order to enable a user to fully watch a program of interest without missing any portion of the broadcast.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone


Art Unit: 2611

number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

  
HALTRAN  
PATENT EXAMINER